



DI. Rec'd PCT/PTO 11 DEC 2002 #10

915-003.006

IN THE U.S. PATENT AND TRADEMARK OFFICE

Re application of :  
J. Kallio et al :  
Serial No. 10/070,411 :  
Filed: March 6, 2002 :  
For: NETWORK FREQUENCY SETTING

LETTER REGARDING NOTICE OF ABANDONMENT

Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington DC 20231

Sir:

This will acknowledge receipt of a Notice of Abandonment in the above-referenced matter for failure to respond to the Notice of Missing Requirements mailed May 10, 2002.

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington D.C. 20231.

  
Margery B. Hood

Dated:

Dec. 5, 2002

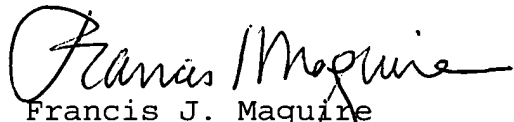
Applicants' Attorney takes issue with the abandonment of this application, because a Completion of Filing Requirements with declaration and three-month extension of time was mailed on October 9, 2002 by Express Mail. A copy of the Express Mail receipt is enclosed which indicates receipt by the USPS on October 9, 2002.

Applicants' Attorney is in possession of a return postcard, copy attached, indicating receipt at the USPTO as of October 9, 2002. Moreover, our Check No. 20436 for \$1,090, representing \$130 for completion, \$40 for assignment and \$920 for three-month extension of time, was cashed by the USPTO on October 18, 2002. A copy of the cancelled check is also enclosed as evidence of a timely response on the part of the applicant.

In addition, a copy of the mailing of October 9 is also enclosed, for the convenience of the Examiner, in case the original documents have been misplaced.

Therefore, given the facts, it is not seen how a Notice of Abandonment could be issued in this matter. Applicants request that the holding of Abandonment be withdrawn and that the application proceed to examination.

Respectfully submitted,

  
Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

FJM/mbh  
December 4, 2002  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, PO Box 224  
Monroe CT 06468  
(203) 261-1234



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 10/070,411         |             | Janne Kallio          | 915-003.006            |

004955

WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468



CONFIRMATION NO. 5550

# ABANDONMENT/TERMINATION- LETTER



\*OC000000009164970\*

Date Mailed: 11/27/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/10/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON

The date stamp of the U.S. Patent and Trademark Office on this card acknowledges receipt of:

Compl. Filing, copy Notice Missing Requirements, Declaration

Assignment Recordal and Assignment

Check 20436 \$1,090 = 130 compl, 40 assign, 920 ext

in the matter of Int'l Application PCT/GB00/03412, filed September 5, 2000

DT05 Rec'd PCT/PTO 09 OCT 2002

fjm

915-003.006

10/09/02

*Handwritten signature*

RECEIVED  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON

OCT 28 2002

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| Date In<br>Mo. <b>10</b> Day <b>9</b> Year <b>00</b>                             | <input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM  | Postage<br><b>\$ 13.65</b>                     |
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WARE FRESSOLA, VAN DER SLUYS  
& ADOLPHSON  
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20436

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(203) 261-1234

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TO THE  
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DATE

AMOUNT

10/09/02

\$1,090.00

Commissioner of Patents & Trademarks  
915-003-006



*Franco Morgan*

020436 0221172186 032 7006860

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915-003-006

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WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON

The date stamp of the U.S. Patent and Trademark  
Office on this card acknowledges receipt of:

Compl. Filing, copy Notice Missing Requirements,  
Declaration

Assignment Recordal and Assignment

Check 20436 \$1,090 = 130 compl, 40 assign, 920 ext

in the matter of Int'l Application PCT/GB00/03412,  
filed September 5, 2000

fjm

915-003.006

10/09/02



Practitioner's Docket No. 915-003.006

**CHAPTER II**

**IN THE UNITED STATES ELECTED OFFICE (EO/US)**

PCT/GB00/03412      Sept. 5, 2000      Sept. 6, 1999  
INTERNATIONAL APPLICATION NO.      INTERNATIONAL FILING DATE      PRIORITY DATE CLAIMED  
Network Frequency Setting  
TITLE OF INVENTION  
Janne Kallio, Tero Rantala, Markku Rautiola, Pekka Rissanen,  
APPLICANT(S) Kari Tuovinen, Jari Parkkinen, Alexander Esser and  
Philip Wesby

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371**

*(check and complete the applicable item, if applicable)*

- ☒ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).
- ☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

**EXPRESS MAILING UNDER 37 C.F.R. § 1.10\***

*(Express Mail label number is mandatory.)*

*(Express Mail certification is optional.)*

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date Oct. 9, 2002, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 as "Express Mail Post Office to Addressee" Mailing  
Label No. EV 137071158 US

Margery B. Hood

*(type or print name of person mailing paper)*

Margery B. Hood

Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 108(2)(xi).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).

### DECLARATION OR OATH

**NOTE:** 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits . . . the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so notified and given a period of time within which to file the . . . oath or declaration in order to prevent abandonment of the application. . . . The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of thirty months after the priority date."

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** For surcharge fee for filing declaration after filing date complete item IV(2).

**NOTE:** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are:

(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

(B) serial number and filing date;

(C) attorney docket number which was on the specification as filed;

(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

(E) title of the inventor which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

M.P.E.P. § 602, 8th ed.

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

**NOTE:** See 37 C.F.R. § 1.41(a).

- ☐ The original oath was objected to. A new original oath is attached.

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT

### II. *(complete as applicable)*

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.  
☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

## TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. § 1.495(c))

NOTE: For fee for processing a non-English application and submission of an English translation later than 30 months after the priority date, complete item IV(3).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

## FEES

### IV.

NOTE: See 37 C.F.R. § 1.28(a).

#### 1. Fees for claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. § 1.492(b))—\$84.00; small entity—\$42.00 \$ \_\_\_\_\_  
☐ each claim in excess of 20  
(37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00 \$ \_\_\_\_\_  
☐ multiple dependent claims(s)  
(37 C.F.R. § 1.492(d))—\$280.00; small entity—\$140.00 \$ \_\_\_\_\_

#### 2. Surcharge fees

- ☒ Surcharge for filing the oath or declaration later than thirty months from the priority date pursuant to § 1.495(c): \$130.00; small entity—\$65.00 \$ 130.00

NOTE: The processing fee in the next item 3 below is not subject to a reduction for small entity status.

3. ☐ For filing an English translation of an international application later than thirty months after the priority date (§ 1.495(c)): \$130.00 \$ \_\_\_\_\_

Total fees \$ 130.00

## SMALL ENTITY STATUS

- V. a. ☐ An assertion that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

*(check and complete applicable items)*

- ☐ is attached.  
☐ was filed on \_\_\_\_\_  
☐ was made by paying the basic national fee as a small entity.  
☐ is being made now by paying the basic national fee as a small entity.  
b. ☐ A separate refund request accompanies this paper.

## EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

|  |             |           |
|--|-------------|-----------|
| <input type="checkbox"/> one month               | \$ 110.00   | \$ 55.00  |
| <input type="checkbox"/> two months              | \$ 400.00   | \$ 200.00 |
| <input checked="" type="checkbox"/> three months | \$ 920.00   | \$ 460.00 |
| <input type="checkbox"/> four months             | \$ 1,440.00 | \$ 720.00 |
| <input type="checkbox"/> five months             | \$ 1,960.00 | \$ 980.00 |

Fee: \$ 920.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

VII. The total fee due is:

Completion fee(s)

\$ 130.00

Extension fee (if any)

\$ 920.00

TOTAL FEE DUE \$ 1,050.00

### PAYMENT OF FEES

VIII.

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 1,090.00 = <sup>130 com</sup> 920 <sup>ed</sup> 40 <sup>ass</sup>
- ☒ Authorization is hereby made to charge the amount of \$ any deficiency
- ☒ to Deposit Account No. 23-0442
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US))  
[13-19]—page 4 of 6

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### IX.

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☐ Please charge, in the manner authorized above, the following additional fees that may be required by this paper and during the entire pendency of this application:

☐ 37 C.F.R. §§ 1.492(a)(1), 1.492(a)(4) (filing fees)

☐ 37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.17 (application processing fees)

☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).

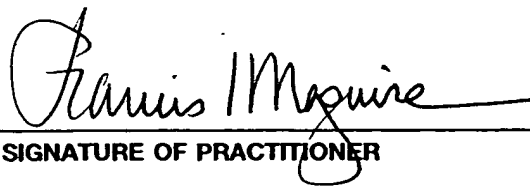
**NOTE:** Section 1.311(b) provides that an authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application **only after the mailing of the notice of allowance**. Accordingly, general authorizations to pay fees and specific authorizations to pay the issue fee that are filed prior to the mailing of a notice of allowance will generally not be treated as requesting payment of the issue fee and will not be given effect to act as a reply to the notice of allowance. Applicant, when paying the issue fee, should submit a new authorization to charge fees, such as by completing box 6b on the current PTOL-85B form. Where no reply to the notice of allowance is received, the application will stand abandoned notwithstanding the presence of general authorizations to pay fees or a specific authorization to pay the issue fee that were submitted prior to mailing of the notice of allowance. Where an attempt is made to pay the issue fee but an incorrect amount is submitted, § 1.311(b)(1), or where the Office's issue fee transmittal form (currently PTOL-85(B)) is completed by applicant and submitted, § 1.311(b)(2), in reply to a notice of allowance, an exception will be made. Such submissions will operate as a request to charge the issue fee to any deposit account identified in a previously filed (i.e., submitted prior to the mailing of the notice of allowance) authorization to charge fees, and will be allowed to act as payment of the correct issue fee. § 1.311(b). See also the change to § 1.26(b). Notice of September 8, 2000, Fed. Reg. 54603-54683, at 54646 and 54647.

**NOTE:** 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

☐ 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

**WARNING:** It would be wise to always check this last authorization.

Reg. No.: 31,391  
Tel. No.: (203 ) 261-1234  
Customer No.: 004955



**SIGNATURE OF PRACTITIONER**

Francis J. Maquire  
(type or print name of practitioner)

WARE, FRESSOLA, VAN DER SLUYS &  
P.O. Address ADOLPHSON LLP

755 Main Street, PO Box 224  
Monroe Ct 06468